

Message Text

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PAGE 01 MANAGU 04410 142329Z

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FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC IMMEDIATE 8417

C O N F I D E N T I A L MANAGUA 4410

EYES ONLY FOR KNUTE MALMBORGE, L/M

E.O. 11652: GDS

TAGS: AINF, OGEN

SUBJECT: REQUEST FOR GUIDANCE ON DOCUMENTS WHICH MAY BE REQUESTED
BY HOUSE COMMITTEE STAFFER JOHN E. MOORE

1. IN DECEMBER, 1973 GENERAL ANASTASIO SOMOZA AND HIS WIFE, HOPE PORTOCARRERO DE SOMOZA REQUESTED THE EMBASSY TO DETERMINE WHETHER MRS. SOMOZA COULD ACCEPT APPOINTMENT AS NICARAGUAN AMBASSADOR TO UN/GENEVA WITHOUT ADVERSELY AFFECTING HER U.S. CITIZENSHIP. THE EMBASSY SENT A CABLE, MANAGUA 4931 OF DECEMBER 27, 1973 TO RAISE THIS QUESTION WITH THE DEPARTMENT.

2. STATE 008150 OF JANUARY 14, 1974 REPLIED TO THE EMBASSY'S MESSAGE AND RAISED QUESTIONS CONCERNING PREVIOUS NICARAGUAN GOVERNMENT POSITIONS REPORTEDLY HELD BY MRS. SOMOZA AND REQUESTING THAT CERTAIN INFORMATION BE SUPPLIED BY HER.

8. AMBASSADOR SHELTON DISCUSSED THE PROBLEM BY TELEPHONE WITH MISS FRANCES KNIGHT, DIRECTOR OF THE PASSPORT OFFICE, ON FRIDAY, JANUARY 18, 1974. A CONFIDENTIAL MEMORANDUM WRITTEN BY AMBASSADOR SHELTON CONCERNING THAT DISCUSSION IS IN THE EMBASSY FILES. THE TEXT OF THE MEMORANDUM IS QUOTED BELOW FOR THE DEPARTMENT'S INFORMATION.

"I DISCUSSED BY TELEPHONE THE SUBSTANCE OF MANAGUA 4941 RE THE REQUEST OF MRS. ANASTASIO SOMOZA TO HAVE CONSIDERATION GIVEN TO THE POSSIBILITY OF HER BEING APPOINTED AS NICARAGUAN AMBASSADOR WITHOUT JEOPARDIZING IN ANY WAY, OR "DILUTING" HER AMERICAN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANAGU 04410 142329Z

CITIZENSHIP, WITH MISS FRANCES KNIGHT, DIRECTOR OF THE PASSPORT

OFFICE IN THE DEPARTMENT OF STATE, ON THE MORNING OF FRIDAY, JANUARY 18, 1974. MISS KNIGHT HAD IN HER OFFICE WITH HER, AND ALSO ON HER TELEPHONE EXTENSION, HER LEGAL COUNSEL WHO WAS HANDLING THIS PARTICULAR CASE. I REITERATED TO MISS KNIGHT THAT MRS. SOMOZA, A NATIVE-BORN U.S. CITIZEN, HAD AS FAR AS WE WERE AWARE, EXERCISED GREAT CARE IN NOT TAKING ANY OVERT ACTIONS WHICH COULD POSSIBLY AFFECT HER STATUS AS AN AMERICAN CITIZEN.

MISS KNIGHT'S LEGAL ADVISER, WHO WAS ON THE PHONE, SAID THAT MRS. SOMOZA HAD STATED PREVIOUSLY THAT SHE HAD ACQUIRED NICARAGUAN CITIZENSHIP BY VIRTUE OF BEING MARRIED TO A NICARAGUAN, AND ALSO PROBABLY AS A RESULT OF BEING THE AMERICAN-BORN DAUGHTER OF NICARAGUAN-BORN PARENTS, BOTH OF WHOM ARE NATURALIZED AMERICAN CITIZENS. I POINTED OUT, BOTH TO MISS KNIGHT AND TO THE ATTORNEY, THAT THESE WERE MATTERS OVER WHICH MRS. SOMOZA DID NOT HAVE CONTROL; THAT THEY DID NOT CONSTITUTE VOLUNTARY OVERT ACTS ON HER PART, AND THAT SHE COULD NOT, BY ANY STRETCH OF THE IMAGINATION, BE HELD RESPONSIBLE FOR THE FACT THAT THE LAWS OF NICARAGUA GRANT CITIZENSHIP TO SPOUSES OF NICARAGUAN CITIZENS, OR TO CHILDREN OF NICARAGUAN-BORN PARENTS. I POINTED OUT THAT AS FAR AS THE EMBASSY WAS AWARE, MRS. SOMOZA HAD TAKEN NO ACTION TO ASSERT FORMAL CLAIM TO THIS NICARAGUAN CITIZENSHIP WHICH COULD BE LOOKED UPON IN ANY WAY AS A RENUNCIATION OF U.S. CITIZENSHIP.

BOTH MISS KNIGHT AND THE LEGAL ADVISER INDICATED THAT WHILE THERE WAS SOME EVIDENCE THAT MRS. SOMOZA HAD STATED THAT SHE HAD NICARAGUAN CITIZENSHIP BY THE FACTORS OUTLINED ABOVE, THAT IT WAS NOT EVIDENT THAT SHE HAD TAKEN ANY ACTION TO RENOUNCE U.S. CITIZENSHIP OR ACTION WHICH WOULD OVERTLY AND VOLUNTARILY HAVE DILUTED HER ALLEGIANCE TO THE UNITED STATES. THE LEGAL ADVISER RAISED THE QUESTION OF THE POSITION WHICH MRS. SOMOZA HELD AS THE HEAD OF "SOCIAL SECURITY", IN NICARAGUA, AND THE OATH OF OFFICE WHICH SHE HAD TAKEN UPON ASSUMING THAT POSITION. I POINTED OUT THAT WE HAD A CERTIFIED COPY FROM THE FOREIGN MINISTRY OF THE OATH WHICH HAD BEEN ADMINISTERED AND WHICH IS QUOTED IN TELEGRAM NUMBER 4931, DECEMBER 27, 1973, AND THAT THIS OATH DOES NOT, BY AN STRETCH OF THE IMAGINATION, RENOUNCE ALLEGIANCE TO THE UNITED STATES, OR PLEDGE ALLEGIANCE TO NICARAGUA. IT MERELY STATES THAT THE PERSON TAKING THE OATH WILL OBSERVE THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANAGU 04410 142329Z

LAWS AND CONSTITUTION OF NICARAGUA, WHICH IS WHAT ANY TRAVELLER TO NICARAGUA WOULD HAVE TO DO IN ORDER TO AVOID ADVERSE LEGAL ACTION.

I POINTED OUT FURTHER, THE SERIOUS CONSIDERATIONS WHICH HAD TO BE TAKEN INTO ACCOUNT IN RAISING QUESTIONS REGARDING MRS. SOMOZA'S CITIZENSHIP AS THE WIFE OF A HIGHLY FRIENDLY DE FACTO CHIEF OF A FOREIGN STATE. I EMPHASIZED THAT WHILE I FULLY AGREED

THAT THE LAWS OF THE UNITED STATES MUST BE STRICTLY OBSERVED, THAT THE INTERPRETATION OF THESE LAWS MUST BE DONE IN A MANNER WHICH WAS CONSISTENT WITH THE OVERRIDING INTERESTS OF THE UNITED STATES. MISS KNIGHT AGREED WITH THIS POSITION, AS DID THE LEGAL ADVISER, AND AFTER CONSIDERABLE DISCUSSION INSTRUCTED ME TO INFORM MRS. SOMOZA THAT THE ACCEPTANCE OF AN AMBASSADORSHIP FROM THE NICARAGUAN GOVERNMENT MIGHT CONCEIVABLY JEOPARDIZE HER UNITED STATES CITIZENSHIP, AND THAT IF SHE DID FOREGO THIS PARTICULAR APPOINTMENT, THE PASSPORT OFFICE WOULD WITHDRAW ANY FURTHER QUESTIONS REGARDING THE STATUS OF HER UNITED STATES CITIZENSHIP, AND THAT INSTRUCTIONS WOULD BE SENT INFORMING THE EMBASSY THAT MRS. SOMOZA SHOULD CONTINUE TO BE

DOCUMENTED AS AN AMERICAN CITIZEN.

I ADVISED MISS KNIGHT AND THE LEGAL ADVISER THAT I WOULD INFORM BOTH GENERAL SOMOZA AND MRS. SOMOZA THAT THERE WAS A VALID QUESTION WHICH WOULD HAVE TO BE THOROUGHLY INVESTIGATED REGARDING AN ACCEPTANCE OF AN AMBASSADORSHIP OF NICARAGUA, AND THAT IF SHE WOULD DROP THE IDEA OF ASSUMING AN AMBASSADORIAL ROLE, THAT NO FURTHER QUESTIONS WOULD BE RAISED REGARDING HER UNITED STATES CITIZENSHIP DOCUMENTATION. THE DECISION, THEREFORE, OF MISS KNIGHT AND THE LEGAL ADVISER, AS COMMUNICATED TO ME WAS:

1. THAT IF MRS. SOMOZA DID NOT BECOME A NICARAGUAN AMBASSADOR, HER UNITED STATES CITIZENSHIP WOULD NOT BE FURTHER QUESTIONED OR INVESTIGATED, AND;

2. THAT IF SHE WERE WILLING TO FOREGO THE AMBASSADORIAL APPOINTMENT, THE EMBASSY WAS AUTHORIZED TO CONTINUE TO DOCUMENT HER AS AN AMERICAN CITIZEN."

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 MANAGU 04410 142329Z

4. STATE 012800 OF JANUARY 21, 1974 READ AS FOLLOWS:

"1. FURTHER REFERENCE HOPE SOMOZA INQUIRY RE ACCEPTANCE NICARAGUAN AMBASSADORSHIP TO THE UN (GENEVA) ADVISE SUBJECT SHE WILL LOSE U.S. CITIZENSHIP IF SHE ACCEPTS NICARAGUAN DIPLOMATIC POSITION.

4. IF MRS. SOMOZA DECLINES APPOINTMENT AND IF SHE HAS NOT PERFORMED SOME OTHER EXPATRIATIVE ACT, NO FURTHER ACTION NEED BE TAKEN IN HER CASE."

5. THE EMBASSY REQUESTS THE DEPARTMENT'S ADVICE BY IMMEDIATE CABLE AS TO WHETHER THESE DOCUMENTS SHOULD BE RELEASED TO MR. MOORE AS THEY SEEM TO RELATE TO THE INTERNAL DECISION MAKING PROCESS OF THE DEPARTMENT.
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